

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
 United States Patent and Trademark  
 Office  
 Box PCT  
 Washington, D.C. 20231  
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

<b>Date of mailing (day/month/year)</b> 04 October 2000 (04.10.00)	
<b>International application No.</b> PCT/AU00/00079	<b>Applicant's or agent's file reference</b> IRN 608487
<b>International filing date (day/month/year)</b> 08 February 2000 (08.02.00)	<b>Priority date (day/month/year)</b> 08 February 1999 (08.02.99)
<b>Applicant</b> ROSSJOHN, Jamie et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

04 September 2000 (04.09.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was  
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<p>The International Bureau of WIPO          34, chemin des Colombettes          1211 Geneva 20, Switzerland</p> <p>Facsimile No.: (41-22) 740.14.35</p>	<p>Authorized officer          Charlotte ENGER</p> <p>Telephone No.: (41-22) 338.83.38</p>
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## ATENT COOPERATION TREATY

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From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

To:

PHILLIPS ORMONDE & FITZPATRICK  
367 Collins Street  
Melbourne, Victoria 3000  
AUSTRALIE

Date of mailing (day/month/year)

12 September 2000 (12.09.00)

Applicant's or agent's file reference

IRN 608487

International application No.

PCT/AU00/00079

## IMPORTANT NOTIFICATION

International filing date (day/month/year)

08 February 2000 (08.02.00)

1. The following indications appeared on record concerning:

☒ the applicant

agent

☐ the common representative

Name and Address

BAGLEY, Christopher, Ja  
22 Cremorne Street  
Fullarton, South Australia  
AustraliaAu 80  
2

State of Nationality

AU

State of Residence

AU

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person☐ the name☐ the address☐ the nationality☐ the residence

Name and Address

State of Nationality

AU

State of Residence

AU

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

The status of the above applicant is that of applicant/inventor for US only.

4. A copy of this notification has been sent to:

☒ the receiving Office☐ the International Searching Authority☐ the International Preliminary Examining Authority☒ the designated Offices concerned☐ the elected Offices concerned☐ other:The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

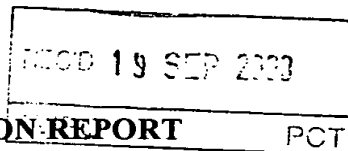
Authorized officer

Maria Victoria CORTIELLO

Telephone No.: (41-22) 338.83.38

**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference IRN 608487	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International application No. PCT/AU00/00079	International filing date ( <i>day/month/year</i> ) 8 February 2000	Priority Date ( <i>day/month/year</i> ) 8 February 1999
International Patent Classification (IPC) or national classification and IPC  Int. Cl. <sup>7</sup> C07K 14/715, 16/24; A61K 39/395		
Applicant MEDVET SCIENCE Pty Ltd et al		

JC541 U.S. PTO  
09/913419  
08/08/01

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 3 sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of sheet(s).
3.	This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 4 September 2000	Date of completion of the report 7 September 2000
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  K. LEVER  Telephone No. (02) 6283 2254

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☐ the description,        pages , as originally filed,  
   pages , filed with the demand,  
   pages , received on    with the letter of
- ☐ the claims,                pages , as originally filed,  
   pages , as amended (together with any statement) under Article 19,  
   pages , filed with the demand,  
   pages , received on    with the letter of
- ☐ the drawings,            pages , as originally filed,  
   pages , filed with the demand,  
   pages , received on    with the letter of
- ☐ the sequence listing part of the description:  
   pages , as originally filed  
   pages , filed with the demand  
   pages , received on    with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description,        pages
- ☐ the claims,            Nos.
- ☐ the drawings,        sheets/fig.

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1-23	YES
	Claims	NO
Inventive step (IS)	Claims 1-23	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-23	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)****Citations:**

D1: AU 15366/97

D2: Bagley CJ

D3: Woodcock JM

**Explanations:** The aim of the current application is to find a simultaneous antagonist of GM-CSF, IL-3 and IL-5, where all three act through a common receptor subunit ( $\beta c$ ).

Communal subunits cannot bind to cytokines by themselves thus finding structural data on the binding site is difficult. To overcome this problem the applicants have developed a monoclonal antibody against a region, which is important for cytokine binding within domain 4 of the common beta chain. The applicants can now crystallise the binding site and determine the structure of the D4 $\beta c$  domain of the receptor bound to an antagonist.

D1 describes a compound or agent that binds to the cytokine receptor of F'-G' loop of Domain 4 of the  $\beta c$  chain receptor for GM-CSF, IL-3, IL-5. This differs from the current application, which defines the actual binding domain, not the agent that binds to it.

D2 This document reviews the work on cytokines to date and suggests that the B'-C' and F'-G' loops in the fourth domain are involved in ligand recognition and binding. It recognises the major role taken by the tyrosine residues in these domain 4 loops. It does not however disclose the binding domain of the current application.

D3 This document discusses the importance of the F'-G' loop but not the binding domain of the current application.

Therefore, it is considered the claims of the current application are novel, inventive and industrial applicable.